

**BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA**

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Re:	)	
Pharmacy License of	)	
<b>URBANDALE PHARMACY</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 651	)	
Shamir Patel,	)	
Pharmacist in charge,	)	
Respondent	)	

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**COMES NOW**, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. General pharmacy license number 651, issued in the name of Urbandale Pharmacy, with Shamir Patel as pharmacist in charge, was issued on December 22, 1995, and is current until December 31, 1996.
4. Respondent currently operates a general pharmacy at 6941 Douglas Avenue, Des Moines, Iowa 50322.
5. Allen P. Wolnerman is the owner of Urbandale Pharmacy, 6941 Douglas Avenue, Des Moines, Iowa 50322.
6. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on November 15, 1994, and an Amendment to the Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on December 6, 1994. On July 11, 1995, Respondent and the Board agreed to a Stipulation and Consent Order in which Respondent's license to operate a pharmacy was disciplined. Respondent's license was placed on probation with conditions for two years.

## COUNT I

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1995) and 657 Iowa Administrative Code §§ 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) as a result of professional incompetency by pharmacist Allen P. Wolnerman which resulted in a preventable medication dispensing error at Urbandale Pharmacy.

## COUNT II

The Respondent is charged under Iowa Code §§ 155A.15(2)(c) and 155A.23(2) (1995) and 657 Iowa Administrative Code §§ 8.5(1), 8.5(4), 8.5(9), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) as a result of pharmacist Allen P. Wolnerman knowingly making deceptive or untrue representations in the practice of pharmacy at Urbandale Pharmacy following a dispensing error.

## COUNT III

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1995) and 657 Iowa Administrative Code §§ 9.1(4)(i), 9.1(4)(j), and 9.1(4)(u) with violating the terms of its probation as established by the Board on July 11, 1995, and with violating a lawful disciplinary order of the Board as a result of pharmacist Allen P. Wolnerman making a dispensing error, knowingly making deceptive representations following the dispensing error, and holding himself out to the public as a pharmacy doctor.

## THE CIRCUMSTANCES


The Board has received investigative information which alleges the following:

1. Pharmacist Allen P. Wolnerman committed a dispensing error at Urbandale Pharmacy on December 16, 1995. On December 29, 1995, Mr. Wolnerman misrepresented the nature of the error to the patient's mother. Mr. Wolnerman also failed to inform the patient's mother that her son had received the wrong drug on December 16, 1995. In addition, Mr. Wolnerman misrepresented the drug which he dispensed to the patient on December 29, 1995, from Urbandale Pharmacy.

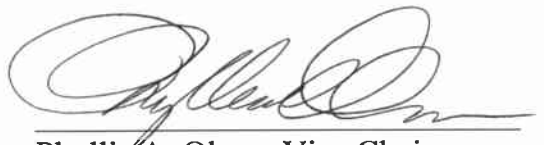
2. Mr. Wolnerman has continued to hold himself out to the public as a pharmacy doctor by using the initials "P.D." following his name on prescription sacks

utilized by his three pharmacies: Urbandale Pharmacy, Franklin Pharmacy, and Uni-Med L.T.C. Pharmacy.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.

  
Lindy A. Pearson  
Chief Investigator

On this 7th day of February, 1996, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Phyllis A. Olson, Vice Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Linny Emrich  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

**BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA**

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Re: Pharmacy License of	}	
<b>URBANDALE PHARMACY</b>	}	<b>STIPULATION</b>
License No. 651	}	<b>AND</b>
Shamir Patel,	}	<b>CONSENT ORDER</b>
Pharmacist in charge,	}	
Respondent	}	

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On this 19<sup>th</sup> day of March, 1996, the Iowa Board of Pharmacy Examiners and Urbandale Pharmacy, 6941 Douglas Avenue, Des Moines, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on February 7, 1996, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to operate a pharmacy on the 22nd day of December, 1995, as evidenced by General Pharmacy License Number 651, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners
2. That Iowa General Pharmacy License Number 651 issued to and currently held by Respondent is current until December 31, 1996.
3. That Iowa General Pharmacy License Number 651 was placed on probation with conditions for two years beginning on July 11, 1995, pursuant to a Stipulation and Consent Order which was approved by the Board on July 11, 1995.
4. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

5. A Statement of Charges and Notice of Hearing was filed against Respondent on February 7 1996.

6. Respondent does not admit to the truth of any of the allegations set forth in the Statement of Charges, and this Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

#### **SECTION I**

THEREFORE, IT IS HEREBY ORDERED that Iowa General Pharmacy License Number 651 issued to Respondent shall continue to be on probation until July 10, 1997. During the probationary period the Respondent shall:

1. Maintain a perpetual inventory of all controlled substances.
2. Complete monthly physical inventories of all controlled substances. The physical inventory shall be reconciled to the perpetual inventory. Respondent shall submit verified inventory reports and accountings, signed and verified by the pharmacist in charge or another pharmacist, every six months.
3. Obey all federal and state laws, rules and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and state criminal laws.

#### **SECTION II**

1. Within thirty (30) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall submit to the Board, for its approval, a written policy and procedure for documenting, resolving, and preventing medication dispensing errors. The policy and procedure shall include a written protocol which describes the procedure for pharmacy employees to follow when a dispensing error occurs. The policy and procedure shall also require that all records of dispensing errors be consistently and periodically evaluated by the pharmacist in charge or his or her

designee as part of a cycle of continuous quality improvement. Records of dispensing errors shall be maintained in the pharmacy for a minimum of two years. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

2. Respondent shall submit to random unannounced visits to or inspections by the Board or agents of the Board to verify compliance with this Order.

3. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).


4. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and impose additional disciplinary sanctions, including the revocation of Respondent's license to practice pharmacy. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

5. Upon successful completion of probation, Respondent's certificate will be fully restored.

6. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

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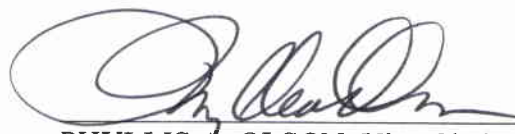
7. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 19 day of March, 1996.

  
URBANDALE PHARMACY  
Shamir Patel, R.Ph.,  
Pharmacist in charge,  
Respondent

Subscribed and Sworn to before me on this 19<sup>th</sup> day of March, 1996.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

8. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 19<sup>th</sup> day of March, 1996.

  
PHYLLIS A. OLSON, Vice Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319